



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 26, 1998

Mr. John W. Segrest
Criminal District Attorney
McLennan County
219 North Sixth Street, Suite 200
Waco, Texas 76701

OR98-0249

Dear Mr. Segrest:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111943.

The McLennan County Criminal District Attorney's office (the "district attorney") received a request for the following information, "once each week on a continuing basis: sometimes referred to interchangeably as the 'first page of the incident report' or the 'jail activity report' or 'first page of the arrest sheet' or 'front page of the offense report.'"

The Open Records Act does not require the preparation of information in a form requested by a member of the public. Open Records Decision No. 467 (1987). Nor does a governmental body need to comply with a standing request to provide information "on a weekly basis." Open Records Decision No. 476 (1987). However, a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 (1990). When a governmental body is presented with a broad request for information rather than for specific records, it should advise the requestor of the types of information available so that he may narrow his request. See Gov't Code section 555.222; Open Records Decision No. 563 (1990).

You do not claim that the requested information is excepted from disclosure but instead ask this office whether you may require, given your current filing system and capabilities, the requestor to submit the name of the accused. Additionally, you wish to require that the requestor identify the offense in order to release the information.

Furthermore, in response to your assertion that the request involves the "search of over 10,000 file folders, we note that the Open Records Act does not permit the custodian

of records to consider either the cost or the method of supplying the requested information. Open Records Decision No. 465 (1987).

We note that basic information is the type of information that is considered to be front page offense report information, including the identification, description of the complainant, and a detailed description of the offense even if this information is not actually located on the front page of the offense report.¹ See generally *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 187 (Tex. Civ. App. -- Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Nevertheless, we observe that in special circumstances, front page offense report information may also be withheld from disclosure. See Open Records Decision Nos. 297 (1981), 169 (1977).

However, we observe that when a requestor seeks copies of records that contain both confidential and public information, the governmental body may charge, in addition to the photocopying costs, a reasonable cost for personnel time spent to "obliterate, blockout, or otherwise obscure" the confidential information. See 1 T.A.C. § 111.63(d)(4). If the charge for providing a copy of public information includes costs of labor, the requestor may require the governmental body's officer for public information or the officer's agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copies. Gov't Code § 552.261(b). Should you have questions about cost should contact the Open Records Liaison at the General Services Commission. Their telephone number is (512) 475-2497.

In conclusion, the type of information the requestor seeks is generally public. Thus, when you receive a request for specific records, you must release the information unless it is excepted from disclosure, as the content of the information determines whether it must be released and once you receive a time certain designation for the records, you will be able to examine the subject records with more specificity. Do not hesitate to contact this office if you have any further questions.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

¹The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

JIM/gle

Ref.: ID# 111943

cc: Mr. Glen R. Peterson
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(w/o enclosures)